

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

The specification was objected to for failing to provide proper antecedent basis for "solid". Applicants respectfully traverse. It is believed that the term solid is supported by the term spaghetti-like strands, as spaghetti has a solid cross section, i.e., there are no gas filled chambers or beads as described in Henley. This can be confirmed by viewing the ends of one of the spaghetti-like strands in the drawings, e.g., in Fig. 2. This interpretation is not inconsistent with the Examiner's term "rigid" as a definition of solid. The term "solid" has also been added to the specification by this amendment, to support the claims. The attached printout from Merriam-Webster OnLine defines spaghetti as "pasta made in thin solid strings". This supports the term "solid" as well as the distinction between the cited references as discussed below.

It is believed that the new drawing overcomes the objection thereto.

It is believed that the amendments to the claims overcome the objections and 35 U.S.C. §112, second paragraph rejections set forth at pages 2 and 3 of the action.

Claims 129-132, 135-155, 160 and 167-181 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Henley. claims 133, 134, 158 and 159 were rejected as allegedly obvious over Henley in view of Fisher. Claims 156 and 157 were rejected as allegedly obvious over Henley and Perry. Claims 161 and 162 were rejected as allegedly obvious over Henley in view of Taylor.

Claim 163 was rejected as allegedly obvious over Henley in view of Fisher and Chapman. Claims 164-166 were rejected as allegedly obvious over Henley in view of Ledergerber. Applicants respectfully traverse each of these rejections.

Henley discloses an air-filled silicon material, obviously some kind of air-filled beads which the Examiner equates with "spaghetti-like strands". While Applicants appreciate that the claims should be viewed broadly, it is not readily apparent how a strand with gas-filled chambers or beads equates to spaghetti. Clearly, spaghetti is not manufactured to intentionally have air pockets or chambers therein, and the Examiner provides no objective evidence of any type of "spaghetti" having gas filled chambers therein. Reference is made to the definition of "spaghetti" discussed above, which refers to solid strings of pasta.. Thus, on this basis alone, Applicants respectfully traverse.

Furthermore, such a material is to be regarded as something like a foam. It would be absolutely unsuitable for the purposes of the present application, since the spaghetti-like strands themselves can be used as implants. A decisive difference is that air can be compressed and, thus, the device of Henley may be inhomogeneous and has different elasticities. As an example, lip implants should be totally homogeneous and such an implanted strand must bend absolutely evenly in order to prevent any wrinkles. The same applies to the lining of wrinkles or in the case of breast implants. In either case an inhomogeneous foam filled with air cannot meet the requirements as can the presently claimed invention..

Furthermore, the silicon material is not airtight, so elasticity changes in the course of time, due to the leakage of air.

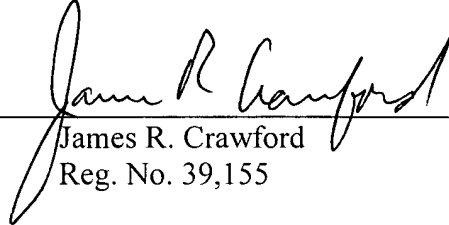
Additionally, , included air leads could lead to predetermined breaking points in the material and result in inhomogeneity of the surface. Therefore, tearing of the material is to be feared, i.e., insufficient durability.

Medical implants, however, should also be removable. Removability may not be the case with such an inhomogeneous material. In view of the foregoing, allowance is requested.

Please charge the additional claim fees and any other fees that may be due to deposit account no: 50-0624.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By 
James R. Crawford
Reg. No. 39,155

December 8, 2003

666 Fifth Avenue
New York, NY 10103
(212) 318-3148
Enclosures